

REMARKS

The undersigned thanks the Examiner for the telephonic interview graciously granted on September 7, 2005 during which the current amendments and remarks were discussed.

The Examiner has subjected this application to restriction under 35 U.S.C. 121. The Examiner has formed two groups of claims, Group I incorporating claims 1-6, 9-15, 17-21, 36, 37 and 38, drawn to a power generator, and Group II incorporating claims 22-26, 28-34, 35 and 39, drawn to a process. The Examiner asserts that these groups of claims represent distinct inventions and may properly be restricted. Applicants hereby elect claim group II directed to claims 22-26, 28-34, 35 and 39 for examination without traverse. The non-elected apparatus claims 1-6, 9-15, 17-21, 36, 37 and 38 are hereby cancelled without prejudice, subject to Applicant's right to file a divisional application including said apparatus claims.

Applicant hereby acknowledges the Examiner's allowance of process claims 22-26, 28-35 and 39. The process claims include the limitation "wherein while in use the power generator is maintained at a temperature of from about -20°C to about 50°C", which is neither taught nor suggested by the applied references, either alone or in combination.

With regard to the current amendment to claim 34, it is respectfully submitted that the claim is currently amended to correct a prior erroneous amendment and return the claim to its original language. In the office action dated October 27, 2004, the Examiner required Applicant to amend the phrase "at least one device" to "at least one valve". This amendment was accordingly made in the response dated February 9, 2005. This amendment is now found to be erroneous. The phrase "at least one device" in original claim 34 does not refer to a valve but rather to a device such as a battery, as described on page 6, lines 4-17 of the specification. Accordingly, it is respectfully submitted that the prior objection to claim 34 was incorrect and the original claim language properly limits its parent claim.

Applicant additionally informs the Examiner that Applicant's prior submission indicating that "porous plugs" are a type of valve was incorrect, and that statement is hereby withdrawn. It is submitted for the record that porous plugs as used herein comprise a porous material such as cotton or a polymeric fabric, which acts as a barrier to liquid water while allowing the passage of water vapor into and out of the water vapor generator.

Applicant further respectfully submits that the scope of claim 31, which incorporates both pumping water vapor and controlling water vapor with a valve, is fully supported by the specification as originally filed at page 9, line 26 – page 10, line 7, which states,

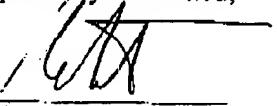
Once the water vapor is generated it is directed from the water vapor generator 12 toward the hydrogen gas generator 16 either via diffusion, via pressure exerted by tensile membrane 32, via a force generated by pump 22, by a flow induced as water vapor is consumed in the hydrogen generator, or by flow induced as hydrogen is consumed by the fuel cell. **The water vapor then passes through either the porous plugs 24 or open valve 26**, preferably into conduit 18 and then to the hydrogen gas generator 14 which is at least partially filled with the substantially non-fluid substance. (emphasis added).

Claim 31 was previously rejected under 35 U.S.C. 112 for lack of support for an embodiment wherein water vapor and hydrogen gas are both pumped and passed through a valve. This rejection was overcome via the argument that the a pump is illustrated in Fig. 1 with porous plugs, but it has now been established that Applicant's prior statement that porous plugs represent a type of valve is erroneous. Nonetheless, direct support for claim 31 is available at page 9, line 26 – page 10, line 7 referenced above. It is therefore respectfully submitted that prior amendment made in the response dated October 14, 2004, wherein the language of claim 31 presents no new matter. For these reasons, it is submitted that all current and previous rejections and objections are overcome.

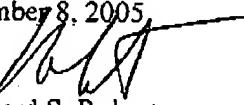
The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the examiner believes there is any matter which prevents allowance of the present application, it is requested that the

undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,

  
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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, FAX No. 571-273-8300 on September 8, 2005

  
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